

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS'
MOTION TO EXCLUDE EXPERT TESTIMONY OF THOMAS MCGUIRE**

EXHIBIT D

DANIEL P. KESSLER DEPOSITION TRANSCRIPT (5/29/19) AT 51:24-52:4

10 Wednesday, May 29, 2019

11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
12 CONFIDENTIALITY REVIEW

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1 him professionally. Probably 20 years. In
2 the ballpark of 20 years.

3 Q. And are you aware of whether or
4 not he is a research associate at the NBER?

5 A. I believe he is, but I am not
6 certain. Yeah, I'm not certain.

7 Q. Okay. By the way, with respect
8 to all four of these professors that we just
9 discussed, Professors Gruber, Cutler,
10 McGuire, and Liebman, do you know any of them
11 outside of your professional capacity?

12 A. No.

13 Q. In other words, would you
14 consider any of them your colleagues?

15 MR. GEISE: Object to the form.

16 THE WITNESS: Yes. I mean, I'd
17 consider them all my colleagues.

18 MR. KO: Okay. Great.

19 THE WITNESS: In a professional
20 context.

21 Q. (BY MR. KO) Do you respect all
22 four of them?

23 MR. GEISE: Objection, vague.

24 THE WITNESS: I think they're

1 all very smart academic researchers.

2 I certainly have read many of
3 the papers that they've written, and
4 learned from them.

5 Q. (BY MR. KO) And do you know
6 Professor Meredith Rosenthal?

7 A. Not really.

8 Q. Okay. You don't have a
9 professional relationship with her?

10 A. No, I would not say I know
11 Professor Rosenthal professionally, no.

12 Q. So is it fair to say that you
13 know Professors Cutler, Gruber, McGuire, and
14 Liebman more than you know Professor
15 Rosenthal?

16 A. Yes. That's a correct
17 assessment.

18 Q. Okay. Now going back to your
19 CV on the awards and fellowships that you
20 list, are there -- I just want to make sure
21 the record is clear, are there any other
22 awards or fellowships that you can think of
23 that you have had or currently have that are
24 not listed here?